

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1581

ALLO THEODORE,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General of the
United States,

Respondent.

On Petition for Review of an Order of the Board of Immigration
Appeals. (A76-461-874)

Submitted: January 9, 2006

Decided: February 14, 2006

Before MOTZ, TRAXLER, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Patrick G. Tzeuton, Silver Spring, Maryland, for Petitioner. Peter
D. Keisler, Assistant Attorney General, M. Jocelyn Lopez Wright,
Assistant Director, Larry P. Cote, Office of Immigration
Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.,
for Respondent.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Allo Theodore, a native and citizen of the Ivory Coast, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion to reopen. We review the Board's denial of a motion to reopen for abuse of discretion. 8 C.F.R. § 1003.2(a) (2005); INS v. Doherty, 502 U.S. 314, 323-24 (1992); Yanez-Popp v. INS, 998 F.2d 231, 234 (4th Cir. 1993). A denial of a motion to reopen must be reviewed with extreme deference, since immigration statutes do not contemplate reopening and the applicable regulations disfavor motions to reopen. M.A. v. INS, 899 F.2d 304, 308 (4th Cir. 1990) (en banc).

Theodore raises several issues in his brief, none of which have merit. We note the Board did not abuse its discretion by denying the motion to reopen as untimely. Moreover, even assuming we have authority to reach Theodore's equitable tolling arguments and that they are not waived, he has not demonstrated extraordinary circumstances beyond his control. Thus, there is no reason for declining to enforce the ninety-day period to file motions to reopen. We are without authority to review the Board's decision not to sua sponte reopen the case. Belay-Gebbru v. INS, 327 F.3d 998, 1000-01 (10th Cir. 2003).

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions

are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED